APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,747	07/21/2003	Paul J. Hepworth	3271.2.14	7525

21552	7590	11/01/2006		

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EXAMINER
CAPUTO, LISA M

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/623,747	HEPWORTH ET AL.
	Examiner	Art Unit	
	Lisa M. Caputo	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 October 2006_.

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-63_ is/are pending in the application.

    4a) Of the above claim(s) _1-19,21-40,42-61 and 63_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _20,41 and 62_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5

October 2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

2.   Claims 20, 41, and 62 are rejected under 35 U.S.C. 102(e) as being anticipated

by Brusky et al. (U.S. Patent No. 6,604,157, from hereinafter "Brusky").

Brusky teaches a system and method for allowing a user to select and scan from

a peripheral to a target application on a host system. Regarding claims 20, Brusky

teaches a method for interfacing an object identifier reader to an application in a

computing device (host 12), comprising:

receiving object identifier data (data set; imported data from other documents or

items) from the object identifier reader (scanner 44) through a first communication port

(parallel port 40 of peripheral 14 connected to scanner 44 interfaces with parallel port 42

of host 12), the object identifier data comprising information and formatting characters,

wherein the first communication port comprises hardware which places the object

identifier reader in electronic communication with the computing device via

communication link 16 (see col 3, lines 17-26);

identifying the information in the object identifier data (data set is scanned and

transferred to memory);

identifying an application (applications 54, 56, 58 on host 12) to receive the

information, wherein the application is also running on the computing device;

determining that the application is not configured to receive the information

through the first communication port (i.e. preset parameters dictate if the application is

able to receive the data set) ;

determining that the application is configured to receive the information through a

second communication port by identifying an association between the application and

the second communication port (processor 50 of the host comprises data manipulation

techniques (e.g. OCR) in order for the application to receive the data, hence the OCR

technique is identifying an association between the application and port and discerning

if it should be accepted);

and sending the information to the application on the computing device through

the second communication port (the scanned information is passed to the target

application in the best form for use in that application) (see Figure 2, col 3, lines 5-60,

col 5, lines 1-65, claim 22).

It should be mentioned here that although Brusky teaches the existence of the

interface 24 in the host, the present invention permits a user to transfer data scanned at

peripheral 14 into the desired application 54, 56, 58 on host 12 without utilizing host

interface 24. It is noted that the specification of the present application defines a

communication interface as "consisting of either hardware, software, or a combination of

both" in order to interface the object identifier reader to the computing device and its

applications (see specification, page 6, paragraph 36). Hence, examiner interprets the

second interface as the hardware/software combination of the processor 50 which

performs data manipulation on the data set in order to ready it for transfer to the

application since this second interface is allowing the data set that was scanned by the

scanner to be put into appropriate form to be used by the computing device and its

applications, therefore creating an association between the application and the second

communication port.

Regarding claim 41, Brusky teaches a system for interfacing an object identifier

reader to an application comprising the object identifier reader (scanner 44) and a

computing device (host 12) comprising a processor (processor 50), a memory (memory

52) which stores applications in electronic communication with the processor, a first

communication port (parallel port 40 of peripheral 14 connected to scanner 44

interfaces with parallel port 42 of host 12), in electronic communication with the object

identifier reader, wherein the first communication port comprises hardware which places

the object identifier reader in electronic communication with the computing device via

communication link 16, a second communication port (processor 50 of the host

comprises data manipulation techniques (e.g. OCR) in order for the application to

receive the data) in electronic communication with the application, and a software

module (instructions within memory) stored in the memory being configured to

implement a method for a computing device as described above in reference to claim

20 (see Figure 2, col 3, lines 5-60, col 5, lines 1-65). In addition, regarding claim 62,

Brusky teaches that a computer readable medium for storing program data exists within

the host device, wherein the program data comprises executable instructions for

implementing a method for a computing device as described above in reference to claim

20 (see Figure 2, col 3, lines 5-60, col 5, lines 1-65).

Response to Arguments

3.   Applicant's arguments with respect to claims 20, 41, and 62 have been

considered but are moot in view of the new ground(s) of rejection.

4.   Examiner has used the same prior art of Brusky, but has used a different

interpretation. For example, examiner appreciates applicant's argument on page 18

that the interface 34 of Brusky is not a proper communication port, and respectfully

submits that the first communication port is embodied as the parallel port 40 of the

peripheral 14 which interfaces the scanner 44 to the host 12.

Examiner would like to respond to some of the arguments which still can be

considered pertinent. In response to the applicant's arguments that the preset

parameters don't relate to the communication interfaces, examiner respectfully submits

that the preset parameters exist to be able to determine if the interface (port)

configuration is correct and hence, are useable for the system. It is respectfully

submitted that the format is an important part of the data, as is recited in claim 20 of the

instant application, and hence the format being determined via the communication ports

as taught by Brusky is relevant.

In response to applicant's argument that the second communication port is not

adequately taught by the processor 50, examiner respectfully disagrees and submits

that the specification of the present application defines a communication interface as

"consisting of either hardware, software, or a combination of both" in order to interface

the object identifier reader to the computing device and its applications (see

specification, page 6, paragraph 36). Hence, examiner interprets the second interface

as the hardware/software combination of the processor 50 which performs data

manipulation on the data set in order to ready it for transfer to the application since this

second interface is allowing the data set that was scanned by the scanner to be put into

appropriate form to be used by the computing device and its applications, therefore

creating an association between the application and the second communication port.

Conclusion

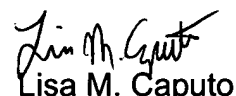5.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to *Lisa M. Caputo* whose telephone number is **(571) 272-
2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM
Monday through Friday. If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-
2398**. The fax phone number for this Group is (571) 273-8300.
        Communications via Internet e-mail regarding this application, other than those
under 35 U.S.C. 132 or which otherwise require a signature, may be used by the
applicant and should be addressed to [**lisa.caputo@uspto.gov**].

     All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

     Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lisa M. Caputo

AU 2876

October 28, 2006